REMARKS

In the above-captioned Final Office Action, the Examiner has rejected Claims 1 and 4-6 under 35 U.S.C. §102(b) as being anticipated by the Otsuka reference. The Examiner has also rejected Claims 2 and 3 35 U.S.C. §103(a) for being unpatentable over the Otsuka reference, when further considered in view of the Gal reference.

In response, independent claims 1 and 4 have been amended to recite a substrate that is spaced-apart from the FPA. This configuration allows for increased optical for the overall system via re-focusing of IR energy without require modification of the detector array. Support for these amendments is found in the specification on page 3, lines 5-12, and in Figs. 1 and 2. Claims 1-6 remain pending.

Rejections Under 35 U.S.C. §102(b)

With respect to the rejections of Claims 1 and 4, amended claims 1 and 4 recite a substrate that is proximate to, yet spaced-apart from the detector array (FPA). Otsuka does not recite this structure. Instead, Otsuka recites a unit cell 3 wherein photosensor portion 2 is disposed within vertical CCD register 1 (Col. 3, Lines 48-55 and Fig. 4. Fig. 5 is a greatly enlarged view of the unit cell 3 in Fig. 4, and the adjusting layer 18 is actually within the unit cell. Conversely, Applicant's amended claims 1 and 4 recite a substrate that is separate and spaced-apart from, as opposed to part of, the FPA. This is because Applicant's invention is directed manipulating the structure of an optical power limiter that has been placed between the sensors optics and the FPA. Since the substrate in Otsuka is not spaced-apart from the FPA array, as required by amended independent claims 1 and 4, Otsuka no longer meets the element-by-element test required by 35 U.S.C. §102(b). Dependent claims 5 and 6 contain the same limitations as amended independent claim 4 and are patentable for the same reason.

Rejections Under 35 U.S.C. §103(a)

With respect to the rejections of Claims 2 and 3 for being unpatentable over Otsuka in view of Gal, the overall goal of Applicant's invention is to "re-capture" the optical gain in an infrared sensor when an optical power limiter has been placed between the optics and the FPA to protect the FPA from laser radiation. Gal is concerned with the use of a Fresnel lens in order to resolve blur spots (Abstract). Further, Gal discloses the Fresnel lens that is attached to, and not spaced-apart from, see Fig. 17 and Col. 13, Lines 10-23. Since claims 2 and 3 includes the same limitations as amended claim 1 (a substrate with at least one microlens on one side that is spaced-apart from the FPA), there is no incentive to combine the Gal reference with Otsuka to lead to Applicant's invention as recited claims 2 and 3.

For the above reasons, the rejection of dependent claims 2-3 is improper, and dependent claims 2 and 3 are patentable over Otsuka, when considered in combination with Gal. Reconsideration and withdrawal of this rejection are respectfully requested.

CONCLUSION

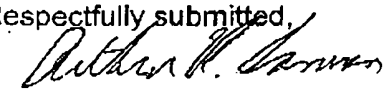
All of the stated grounds of rejection have been properly traversed, accommodated or rendered moot. Applicant has made a bona fide effort to remove informalities from the specification, and to properly amend the claims, and Applicant believes that a full and complete reply has been made to the outstanding Office Action, and that the present application is in a condition for allowance. Accordingly, a Notice to that effect is most respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully

requested.

Dated: November 7, 2003

Respectfully submitted,



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